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THE LOS ANGELES BAR ASSOCIATION
BULLETIN

Official Publication of the Los Angeles Bar Association, Los Angeles, California

UNJUST CRITICISM OF THE COURTS

BLIND JUSTICE NEED NOT BE DEAF

TIME-SAVING COURT FORMS AVAILABLE

VICE-PRESIDENT'S MESSAGE TO MEMBERS

STATE BAR MEETING AT PASADENA

COMPLETE INDEX TO VOLUME 5

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The Rising Tide of Criticism of the Courts

**NOT JUSTIFIED BY THE RECORD OF CALIFORNIA COURTS IN THE
ADMINISTRATION OF CRIMINAL LAW. OF 115 MURDER
CONVICTIONS APPEALED ONLY 5 WERE REVERSED
AND NONE WAS GIVEN FREEDOM**

By Charles E. R. Fulcher of the Los Angeles Bar

Criticism of the courts, constant and increasingly severe in recent years, has shaken the confidence of the public in the efficient administration of justice. This form of criticism has always existed, regardless of whether it be merited or not; but with the modern means of communication and the dissemination of opinion, it has reached such proportions as to threaten the destruction of the high respect which the American people have always held for our courts, and amounts to a real menace to the orderly administration of justice.

This criticism comes over the radio; it is voiced by politicians, commissions,—official and unofficial—by some of our newspapers, and by the public in general. It often takes the form of statements that it is easy for the criminal to escape the penalty for his crime through legal technicalities, and by appeals.

Since the public offense which creates the greatest public interest is murder, and since it is fair to presume that the Supreme Court would give more weight to errors committed in the trial of cases wherein the defendant has been sentenced to death, and would be more apt to reverse such cases for error than in cases where an affirmance did not involve a human life, it would seem that an analysis of the cases reviewed by the Supreme Court wherein the death penalty had been pronounced, would furnish a fair index to the efficiency of our courts of last resort in the administration of criminal law, and to some extent refute thoughtless criticism.

An examination was made of all decisions of the California Supreme Court wherein appeals were taken from judgments of death during the last fifteen years, for the purpose of determining the following questions:

1. How many of such cases were appealed?
2. How many affirmed, reversed, dismissed or modified?
3. Upon what grounds reversed?
4. In cases wherein a reversal by the Supreme Court resulted, what became of the defendant—that is, did such reversal result in the defendant going free or was he required to suffer some penalty for the same or a similar offense?
5. Has the number of reversals increased or decreased within the last seven or eight years, during which period of time so many new laws have been enacted for the purpose of tightening up the legal procedure?

The investigation covered a period from July 1, 1915, to June 30, 1930, both inclusive, with the following result:

Cases appealed	115
Judgments affirmed	107
Appeals dismissed	2
Judgments modified	1
Judgments reversed	5

The two dismissals were the cases of *People vs. Clark*, 198 Cal. 453, April 7, 1926, and *People vs. Fuhr*, 198 Cal. 593, May 7, 1926. Both of these appeals were dismissed because the defendant had escaped. Later the defendant Clark was captured and the Supreme Court refused to reinstate the appeal. *People vs. Clark*, 201 Cal. 474.

The modification occurred in the case of *People vs. Kelly*, 78 Cal. Dec. 490, October 22, 1929, wherein the Supreme Court found the evidence insufficient to support the verdict of murder, but sufficient to support one of manslaughter, and modified the same accordingly without granting a new trial.

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THE REASONS FOR THE FIVE REVERSALS
The five reversals, the dates thereof, and the reasons therefor were as follows:

People vs. Miller, 171 Cal. 649, January 3, 1916, was reversed because the court instructed the jury in substance that the defendant was bound to prove himself insane beyond a reasonable doubt before he was entitled to an acquittal. The law requires him to establish the same only by a preponderance of the evidence.

People vs. Hall, 199 Cal. 451, October 5, 1926, was reversed because the jury found the defendant guilty of murder in the first degree, but stated in their verdict:

"but cannot come to a unanimous agreement as to the degree of punishment."

Notwithstanding their disagreement, the court sentenced the defendant to suffer the penalty of death. (Note: this case was first affirmed by the Supreme Court, but on rehearing was reversed.)

People vs. Galloway, 202 Cal. 18, September 2, 1927, was reversed because of the misconduct of a juror, in which it was clearly shown that this juror was prejudiced prior to being chosen, and had expressed an opinion to the effect that she expected to be chosen as a juror in this case, and if so, she would hang the defendant, and upon the additional ground that certain instructions given charged the jury on questions of fact, contrary to the provisions of the Constitution. A question was raised in this case as to the sufficiency of the evidence, but the court refused to pass upon it.

People vs. Goodwin, 202 Cal. 527, December 1, 1927, was reversed because the lower court refused the defendant a continuance on his motion for a new trial so that he might produce additional affidavits which, if true, would have shown that he could not have committed the crime alleged, and on the additional ground that certain instructions given were erroneous.

In the case of *People vs. Pokrojac*, 206 Cal. 259, January 25, 1929, two pleas were entered, one of not guilty, and the other of not guilty by reason of insanity. The first trial resulted in a verdict of guilty, with a recommendation for the extreme penalty, at the conclusion of which the Judge commended the jury for their courageous and faithful work in render-

ing such a verdict, and advised them that it was undoubtedly a correct one. The next day he proceeded to appoint the same jury to try the question of insanity. The Supreme Court held his comments to constitute error. Justice Preston concurred in the decision, and wrote the following opinion:

"I concur in the judgment but not in the reasoning pursued to reach this result. The opinion treats merely a symptom, overlooking the disease itself. It is not at all likely that the remarks of the Court had anything to do with the verdict. The fact is that the plea of insanity has been destroyed. The first trial is the effective proceeding. The second hearing is colorless and may as well be omitted altogether. The defendant is convicted irrevocably by the first trial where the evidence of insanity so far as possible is excluded. I said in my dissent in *People v. Leong Fook*, ante, p. 78 (273 Pac. 779), that innocent people would be convicted under this procedure. The case before us is confirmation of that statement. A demented man has been convicted and sentenced to suffer the extreme penalty."

WHAT HAPPENS AFTER REVERSALS

After the reversals, the following disposition was made of the cases:

In *People vs. Miller*, the defendant was retried, the jury returned a verdict of murder in the first degree, and he was sentenced to Folsom Penitentiary for life.

In *People vs. Hall*, the defendant while serving a life sentence at San Quentin for murder, escaped with a companion, named Joe Tanko. While they were at large, they are alleged to have killed Harry Litzberg in Sacramento, where they were later captured. In an endeavor to prevent their escape, a police officer named Clyde Nunn, who was giving chase to them, was shot, but did not die. After the reversal above mentioned, the defendant was tried for shooting Clyde Nunn under a section of the Penal Code providing that a life term who is found guilty of assault with a deadly weapon shall suffer punishment of death. The jury acquitted the defendant on this charge. He was retried for the murder of Litzberg; the jury found him guilty, but failed to agree upon the punishment.

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The case was again retried, and the jury again found him guilty of murder in the first degree but could not agree on the punishment. Thereupon the case of murder was dismissed, and Hall was sent to Folsom to continue serving the life sentence which he was serving at the time he escaped from San Quentin.

In *People vs. Galloway*, the defendant was retried, the jury returned a verdict of murder in the first degree and he was sentenced to life imprisonment.

In the case of *People vs. Goodwin*, the defendant was retried, the jury returned a verdict of murder in the first degree, and he was sentenced to Folsom Penitentiary for life.

In the case of *People vs. Pokrojac*, the defendant entered a plea of guilty of murder in the first degree and was sentenced to San Quentin for life.

Thus we see that out of 115 cases appealed but six, or slightly in excess of 4 percent, were given new trials. Of those given new trials, those who were punished for the crime charged, by imprisonment for life were four, and in the fifth, *People vs. Hall*, the defendant went back to prison for life on a charge for which he had been previously convicted. *Not one obtained his freedom as a result of the reversal.*

RECORD OF AFFIRMANCES AND REVERSALS

It is of interest to note the affirmances and reversals as they appear by years—dismissed appeals and modified judgments are classed as affirmed cases:—

Year	Affirmed	Reversed
1915 (last ½)	2	0
1916	2	1
1917	2	0
1918	8	0
1919	7	0
1920	6	0
1921	1	0
1922	10	0
1923	7	0
1924	12	0
1925	7	0
1926	12	1
1927	4	2
1928	11	0
1929	15	1
1930 (first ½)	4	0
	110	5

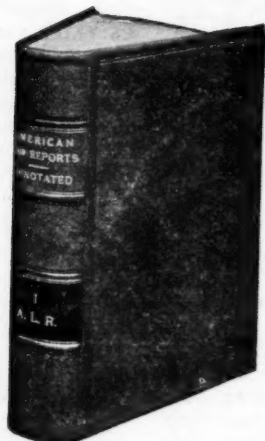
While statistics may be misleading, the foregoing record proves that the Supreme Court has not been generous with its reversals in hanging cases; that from January, 1916, when the *Miller* case was reversed, to October 5, 1926, on which date the *Hall* case was reversed, the Supreme Court heard seventy-one hanging cases, affirmed seventy-one and reversed none. In other words, for a period of about ten years and ten months, the percentage of affirmances where the judgment of death had been pronounced was 100 percent; yet during that period it was not uncommon to hear the Supreme Court criticised and accused of releasing vicious murderers on the slightest pretext.

During the last five years, in which period the criminal law reformers have exerted most of their effort to close up the so-called "loop-holes" in the administration of criminal justice, four reversals occurred out of forty-two cases heard. Whether this is the result of the "tightening up" of the criminal procedure or is merely a coincidence is left for others to surmise. However, the fact remains that during the period that the criminal procedure is supposed to have been filled with "loop holes," the record clearly shows it was "air-tight."

But one conclusion can be drawn from the foregoing survey, and that is that at least the Supreme Court, in the handling of cases involving the death penalty, is being subjected to unjust criticism. It is not for the Supreme Court to strive for a statistical record of affirmances, or to hesitate to reverse a case wherein the defendant is entitled to it, and that high court, if it should see fit, can point to this record as a complete reply to the common criticism that it is releasing cold-blooded murderers; for that record shows that out of 115 cases to date, not one decision of the Supreme Court has resulted in the convicted criminal obtaining his freedom upon his appeal.

That the public is misinformed or uninformed upon such matters admits of little doubt. It therefore becomes the duty of the lawyers who are, or can become, familiar with these facts to enlighten the public to the end that the courts may receive and hold the respect which is justly due them.

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AMERICAN LAW REPORTS ANNOTATED

Blind Justice Need Not Be Deaf

By Saul S. Klein, member of the Los Angeles Bar

Our whole system of justice has been and now is operating in reverse. No forward movement is made without a backward look. Precedent is our guide of direction. In the parlance of automobile driving this conduct will ultimately cause destruction and in the legal profession it causes such grave injustices that unless corrected we will be compelled to scrap all our maxims and close up "shop." If we insist upon following precedent blindly and refuse to examine whether our legal machinery needs repairs, at least, we should listen to reason.

The first maxim in Equity is "*No wrong without a remedy.*" This maxim was written into our civil code as section 3525 "*For every wrong there is a remedy*" but, notwithstanding, the Supreme Court of California, in the case of *Pico vs Cohn*, 91 Cal. 134, said: "the wrong in such case, is, of course, a most grievous one, but he is without remedy." In the case of *People vs. Mooney*, 178 Cal. 526, the Court said: "If the obligation be violated and perjured testimony produced and material evidence suppressed by either, in so far as the judgment is concerned, *the injured party is without remedy.*" The same principal of law was adhered to by the Court in the case of *People vs. Reid* 195 Cal. 249 and in the case of *U. S. vs. Throckmorton*, 98 U. S. 61.

The judgment in the *Pico* case was obtained by the bribery of a witness. Perjured testimony was offered to obtain a verdict of death in the *Mooney* case. In the *Reid* case false information was given to the jury which some of the jurors claimed to be the reason for a verdict of death and in the *Throckmorton* case, a Mexican grant was procured by fraud and supported by perjured testimony.

In the cases above referred to, and in many others throughout the country, judgments and verdicts based upon bribery, perjury and fraud have been upheld by the court due to an ancient legal fiction, or precedent, which the courts have blindly followed.

EXTRINSIC AND INTRINSIC FRAUD

Whether the Courts in California allow a remedy depends upon whether the wrong complained of is extrinsic or intrinsic fraud.

For the former a remedy is always allowed, but for the latter it is denied unless the provisions of the Code are pursued within the time allowed by law. The reason for this rule is, as announced by the court: That fraud committed, extrinsic or collateral, has prevented a fair submission of the controversy causing a denial of a trial upon the merits, or no trial at all. Whereas, in the case of intrinsic fraud the courts in this state contend: That as a remedy is provided by motion for new trial and appeal, wherein the court has an opportunity to correct all wrongs and errors complained of, no further remedy will be allowed. This is done in order, as the courts say, to create by law a finality of judgments. These rules are clearly set forth in the old case of *Pico vs. Cohn* supra.

Some of the cases of extrinsic fraud are those wherein a plea of guilty was obtained through fear of mob violence, or where the defendant was insane at the time of trial and this fact was unknown to the Court and counsel, or where defendants and their counsel were induced by false representations to remain away from the trial. Some of the cases of intrinsic fraud are generally those cases wherein a judgment or verdict was obtained through bribery, or by false and perjured testimony. One of the leading cases of extrinsic fraud in the United States is the case of *Saunders vs. State*, 85 Ind. 318; and the one on intrinsic fraud is *People vs. Reid*, supra. The *Reid* case presents a detailed list of intrinsic fraud cases throughout the United States, while the *Saunders* case presents the extrinsic fraud cases, and both courts clearly show the distinction in vogue and the remedy, if any.

NO MATERIAL DIFFERENCE IN EXTRINSIC AND INTRINSIC FRAUD

In reality, there is no material difference in the effect of extrinsic and intrinsic fraud. Our text books teach us that fraud vitiates any transaction from its inception. If it vitiates a fraud that is extrinsic, it should vitiate one that is intrinsic. Either frauds prevent a legal determination of the controversy and in either case the controversy is only apparently litigated. Most intrinsic

frauds have their inception before the cause proceeds in court and extrinsic to the record. The court, however, through some mental gymnastics makes a distinction which, in my humble opinion, is more fanciful than real.

The courts hold that in a case of intrinsic fraud a remedy is provided by motion for new trial wherein the court has the opportunity to correct all wrongs and errors complained of; also, to create a finality of judgments. In a case of extrinsic fraud, the court contends that the defendant has been denied a trial upon the merits, or, there has been no trial at all. We know from experience, that due to the nature of the fraud committed in cases of intrinsic fraud, that a judgment or verdict obtained by bribery, perjury or fraud is seldom disclosed until long after the time provided for filing a motion for a new trial and therefore there is no legal remedy when the wrong is disclosed. A judgment based on intrinsic fraud should be no more final than a case of extrinsic fraud. I contend that a judgment which has for its basis for support fraud of any nature is no credit to any court and should not be permitted to have legal efficacy when discovered. The argument that there should be an end to litigation is sound when a judgment is properly obtained but not one surreptitiously obtained. If the present rule would be changed in reference to intrinsic fraud, there would be no more litigation in cases of intrinsic fraud as we now have for extrinsic fraud. For psychological reasons we should abandon this vicious precedent and shift the gear of justice forward.

PSYCHOLOGICAL DIFFERENCES

The law as it now exists tends to aid in promoting injustice by benefiting the wrongdoer and penalizes the innocent just because the wrongdoer has been skillful enough to hide the wrong so that the innocent was unable to learn and prove the fraud within the time provided for filing a motion for a new trial. This has the effect to nullify the whole theory and purpose of the law "*For every wrong a remedy*" and specifically, section 3517 C. C. "*No one can take advantage of his own wrong.*" Wrongful conduct thereby thrives while good conduct is left hopeless before "*blind justice.*" If the courts, however, would adhere to the maxim "*No wrong without a remedy*" and grant relief in cases of intrinsic fraud, it

would create a psychology that it does not pay to obtain a judgment wrongfully as it would always be subject to attack. This would tend to make litigants more honorable. As long as courts place a stamp of approval on some judgments improperly obtained, bribery, perjury and fraud will be the motivating causes of justice in some cases.

LAW SHOULD PROVIDE A REMEDY

The spirit of this necessary legislation is now clearly expressed in section 182, subdivision 8 of the Code of Civil Procedure and section 956a C. C. P.

Section 128 par. 8 Code of Civil Procedure.

"Every court shall have the power No. 8 "To amend and control its process and orders so as to make them conformable to law and justice."

It is to be noted, however, that the above section is limited in terms to "Process" and "Orders" and should be amended by adding the words "Judgments and Decrees." An examination of section 956a of the Code of Civil Procedure providing for the remedial powers of Appellate Courts is limited in its scope "In all cases where trial by jury is not a matter of right or where trial by jury has been waived" this should be broadened by eliminating the above reference quoted.

Some courts have held, that Courts of general jurisdiction have the inherent power, independent of any statutory provisions to set aside and annul any judgment or decree procured by fraud and deceit of the successful party, practiced upon the complaining party to the action and the court. *Yorke vs. Yorke* 3 N. D. 343. In the case of *Holmes vs. Holmes* 63 Maine 420, the Court says: "Shall fraud be skillful enough to impose a sham upon a Court of Justice, to the injury of innocent parties, without adequate remedy or reparation therefor? We are not willing to concede it." Also note the case of *Adams vs. Adams* 51 N.H. 388 and *Johnson vs. Coleman* 23 Mo. 452. While these cases are in reference to divorce generally involving extrinsic fraud, they are cited as authority as to the inherent power of the court. These cases establish beyond dispute the principle that "not less in divorce cases than in any other class of cases, courts of a general jurisdiction possess, exnecessitate the power to emancipate themselves from the effects of a deceit

practised upon them, and to expunge from their records that which has been spread thereon only through fraud and deception."

In addition to the amendments hereinbefore suggested, I wish to submit for the consideration of the bench and bar of California the following amendments so that there can be no question of the authority of the Courts to suppress wrong and which will be more in harmony with the purpose of the law "to effect its objects and to promote justice."

Amend section 1182 Penal Code by adding the words "unless otherwise provided in the codes" after the words "before judgment."

Add another section to the Penal Code to be known as section 1183 to provide as follows:

"The Court, within its sound discretion, for good cause appearing, whether

before or after judgment, may revive or extend the time within which a motion for new trial may be filed for the cause enumerated in subdivision 7 of section 1181 of this code, providing the application is made within sixty days after the new evidence is discovered, and providing also, that a motion for new trial shall not be denied for the sole reason that the new evidence offered is cumulative."

Also add another section to the Political Code to be known as section 4469 of the Political Code and provide as follows:

"The Common law writ of error coram nobis shall be applicable in civil and criminal cases wherein the codes do not provide a remedy for an injury done, and the use of the writ shall be permissible in cases of intrinsic as well as extrinsic fraud."

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By the County Clerk:

Superior Court, Civil Division

Affidavit Blank
 Affidavit for Attachment
 Affidavit for Publication of Summons
 Affidavit of Service
 Affidavit for Subpoena Duces Tecum
 Amendment to Complaint (Under Sec. 474 C.C.P.—Substitution of true name)
 Attachment for defaulter
 Bench Warrant
 Certificate of Assignment and Transfer Citation
 Commission
 Decree of foreclosure and Sale
 Default Entry—(by Court)
 Dismissal
 Judgment by Court after Default
 Judgment by Default by Clerk
 Judgment by Default—by Court (Service by Publication)
 Memorandum of Costs and Disbursements
 Order for Appearance of Judgment Debtor
 Order to Enter Default
 Order for Publication of Summons
 Setting Card
 Statement to Clerk
 Subpoena—Civil
 Subpoena—Civil (Copy)
 Subpoena Duces Tecum
 Subpoena To Take Deposition
 Summons
 Summons—Unlawful Detainer
 Transfer—to Long Beach Department
 Undertaking on Attachment
 Writ of Attachment

Judgment Sub-division Forms

Abstract of Judgment
 Abstract of Judgment Docket
 Execution

Execution (Deficiency Judgment)
 Partial Satisfaction of Judgment
 Satisfaction of Judgment
 Writ of Assistance
 Writ of Enforcement (Sale of personal property)
 Writ of Enforcement of Judgment Ordering Sale of Property by Commissioner
 Writ of Enforcement for Sale of Real Property by Sheriff
 Writ of Possession

Superior Court, Probate Division

Affidavit for commission to take deposition, etc.
 Affidavit for final discharge, and order
 Bond of administrator on sale of real estate
 Bond of administrator upon qualifying
 Bond of guardian on sale of real estate
 Bond of guardian upon qualifying
 Certificate of assignment and transfer—for Long Beach dept.
 Certificate of proof of will—foreign
 Certificate of proof of will—olographic
 Certificate of proof of will—witness
 Citation
 Citation under Sec. 1312 C.C.P. on contest to will
 Commission
 Creditor's claim
 Form for giving notice to creditors
 Interrogatories
 Inventory and appraisement
 Letters of Administration
 Letters of Administration with will annexed
 Letters of Guardianship
 Letters Testamentary
 Notice of application for guardianship of incompetent
 Notice of hearing petition to lease realty
 Notice of hearing petition to mortgage realty
 Notice of hearing petition to terminate joint tenancy
 Order appointing inheritance tax appraiser under Sec. 1468a C.C.P.
 Order appointing inheritance tax appraiser under Sec. 1723 C.C.P.
 Order prescribing notice of hearing petition for appointment of guardian of minors

Order prescribing notice of hearing petition for appointment of special administrator
 Petition for appointment of guardian
 Petition for Letters of Administration, with affidavit
 Petition for probate of will
 Request for appointment of appraisers
 Subpoena
 Testimony of subscribing witness and of applicant
 Voucher envelopes

Domestic Relations

Affidavit for Order to Show Cause re attorneys fees, Court Costs, alimony Pendente Lite, Allowance for Support and for Custody of Children and restraining order (Wife's Questionnaire)
 Order to Show Cause re attorneys fees, Court costs, etc.
 Affidavit of Husband in Opposition to Wife's application for Attorney's fees, court costs, etc.
 Order for payment of attorneys fees, Court costs, etc.
 Affidavit for Order to Show Cause in re contempt
 Order to Show Cause in re Contempt
 Affidavit for Order to Show Cause in re modification of—
 Order to Show Cause in re modification of—
 Divorce Default Setting Cards
 Interlocutory Judgment of Divorce
 Final Judgment of Divorce
 Final Judgment of Divorce (on Cross-complaint)

By the Clerk, Municipal Court: Civil Department

Amendment to Complain (fictitious names)
 Appeal, Notice of
 Appeal, Undertaking on
 Appeal, Notice of filing bond
 Attachment, Affidavit for
 Attachment, Undertaking on
 Attachment, Writ
 Claim and Delivery, Affidavit for
 Claim and Delivery, Undertaking on
 Credit, Acknowledgment of (on claim or judgment)
 Costs, Memorandum of
 Default, Order for
 Dismissal
 Joint Debtors (989 C.C.P.), Affidavits
 Joint Debtor (989 C.C.P.), Summons

Judgment, Default by Clerk
 Judgment, Default by Court
 Judgment, Trial
 Judgment, Trial, Defendant not appearing
 Judgment, On Verdict
 Judgment, On Publication
 And some mimeographed special forms
 Publication of Summons, Affidavit
 Publication of Summons, Order for
 Satisfaction of Judgment
 Service, Affidavit of
 Summons
 Summons, Unlawful Detainer
 Subpoena
 Subpoena, Duces Tecum
 Trial, Notice of
 Trial, Request for Setting

In Supplemental Proceedings

Examination of Judgment Debtor, Application and Order for
 Examination of Garnishee (545 C.C.P.), Affidavit for
 Examination of Garnishee (545 C.C.P.), Order for
 Examination of Debtor of Judgment Debtor, Affidavit for
 Examination of Debtor of Judgment Debtor, Order for

Small Claims Department

Most forms are filled out by the Clerk. Attorneys might be interested to know that the Clerk has forms for —
 Notice of Appeal and Undertaking on Appeal

By the Sheriff's Office:

Instruction to Sheriff
 Instructions to Release from Attachment and for Execution
 Undertaking on Release of Attachment (given under Section 540, C.C.P.)
 Undertaking to Prevent Attachment (same section)
 Indemnity Bond (Given to Third Party Claimant under Section 689 C.C.P.)
 Indemnity Bond to Sheriff and Mortgagee (Section 2969, C.C.)

By the Marshal's Office:

Instructions to Marshal
 Order to release
 Release
 Undertaking on release of attachment
 Indemnity bond forms

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A Message to Members of the Association BY THE SENIOR VICE-PRESIDENT

CONSIDERATION OF PLAN WHEREBY ALL BAR ASSOCIATIONS OF COUNTY MAY ACT TOGETHER IN MATTERS OF COMMON INTEREST

Los Angeles Bar Association has never limited its membership to lawyers living or maintaining their offices in the city of Los Angeles. At practically all times some of its most delightful and able members have been drawn from what may be termed outside sources and this has been more and more emphasized with the increase in population and importance of the various communities in the county of Los Angeles.

However, this same growth of the communities outside of the city of Los Angeles has led to the formation of a number of local associations and of recent years there has been a tendency for the members of these local associations to drop their membership in the Los Angeles Bar Association. The writer regards the creation and continuance of the local associations as most desirable but thinks it is also obviously desirable that some means be found whereby in matters of interest to the county as a whole the bar of the county may act together.

No argument seems necessary to point the advisability of common action in support of legislation in which all are interested. Certainly, too, in the matter of the plebiscite relative to the candidates for judicial office, an expression by substantially the entire active bar of the county would carry more weight with the voters than the opinion of any particular group. These things mentioned are merely illustrative and others will occur with equal force to any lawyer who gives the matter consideration.

Having the foregoing in mind, the Los Angeles Bar Association for some time past has been seeking a means of welding together, as to matters of common interest, the various associations of the county. No step has been taken except in consultation with representatives of the various county bar associations. In fact, no step whatever has been taken as yet, but plans have been discussed and there is every reason to believe that one will be formulated which will be found satisfactory to all concerned.

It would be premature, of course, to set out in detail any plan which has not

been definitely agreed upon, but some of its probable essentials may be referred to. It is expected that any plan adopted will accomplish the following:

Each local bar association would be left exactly as it now is and the plan would in no way interfere with the internal affairs of any such association. Those outside associations which became affiliated with the Los Angeles Association would be given (not individually but as a group) representation on the Board of Trustees of the Los Angeles Association. Each member of every affiliated outside association would become a member of the Los Angeles Association and as such would have the same privileges as any other member, including of course the right to vote in the plebiscite and on all matters that came before the members of that association. There would be an exchange of important reports between the similar committees of the various associations and many appointments of what we may term "affiliated members" would be made to the committees of the Los Angeles Association. The "Bar Association Bulletin" would carry its messages to each member of every affiliated association and it is to be hoped that the Bulletin would contain many contributions from these affiliated members. In short, while the Los Angeles Bar Association would not in any way participate in the affairs of the affiliated associations, the members of the latter associations would be privileged and expected to participate fully in the affairs of the Los Angeles Bar Association. The Los Angeles Association would become in reality the Bar Association of the County of Los Angeles.

You will agree, I think, that if a plan can be worked out along the lines indicated, great benefit will accrue not only to the bar of this county but to the community as a whole. When such a plan is formulated, it will be submitted for your approval through a proposed amendment of the constitution of the Los Angeles Bar Association. You will be advised further as this matter develops.

IRVING M. WALKER,
Senior Vice-President.

ERNEST R. ORFILA

Announces his resignation as Public Defender of the City of Los Angeles, which post he has held since August, 1923, his resignation to take effect September 1, 1930. Mr. Orfila will engage in the general practice of the law in association with Charles W. Ostrom, having law offices at

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Mr. Orfila is taking over the practice left by his deceased father, Antonio Orfila, whose offices were located in the Southwest Building, Los Angeles.

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The Coming Annual Convention of the State Bar at Pasadena

MATTERS OF VITAL IMPORTANCE TO ALL LAWYERS TO BE DISCUSSED AND ACTED UPON. PROGRAM INCLUDES CONSIDERATION OF COMMITTEE REPORTS ON MANY IMPORTANT SUBJECTS. RECORD ATTENDANCE OF EMINENT LAWYERS AND JUDGES EXPECTED. WOMEN LAWYERS OF STATE TO TAKE CONSPICUOUS PART

Convention Dates: September 18, 19, and 20. Huntington Hotel, Pasadena.

Mark your calendar and save these dates!

By Leonard B. Slosson, Chairman Program Committee

Every member of the Bar of Los Angeles County should bear in mind the dates of the State Bar Convention to be held at the Hotel Huntington, Pasadena, September 18, 19 and 20, and make special efforts to be present. A most interesting and varied program will be offered.

The first session opens at 9:45 a.m. on September 18. The report of the Board of Governors on the affairs of the State Bar, covering the year, will be presented, together with that of the Secretary and Treasurer, showing the condition of its fiscal affairs.

There will be a report from the Committee on the Revision of Corporation Law, followed by discussion. This ought to be especially interesting to all lawyers. This Committee has been active during the year and has drafted a number of amendments to the existing corporation laws, which, if enacted by the Legislature, may substantially affect every lawyer's corporation clients.

The luncheon meeting on the first day, at 12:30, will be in charge of the women lawyers of the State Bar. Judge May D. Lahey will preside. Four members from among the women lawyers will speak, presenting the view point of the women lawyers on the various topics. Whatever they have to say concerning the State Bar and the affairs of lawyers generally should be of interest to all of us.

On the same day, at noon, there will be a luncheon meeting of those interested in the Section work, and a round table discussion of the subjects covered by the committees during the past year.

At the afternoon session of the first

day there will be a report of the Judicial Council Committee, also a talk, possibly in the nature of a progress report, by the Chairman of the Code Commission, reviewing to some extent what the Code Commission has done and what it proposes to do.

THE CHIEF JUSTICE, AND DEAN POUND TO BE SPEAKERS ON THURSDAY

Hon. William H. Waste, Chief Justice of our Supreme Court, will make an informal address as the representative of the Judicial guests of the Convention.

The dinner meeting on Thursday will be held at 6:00 o'clock, and will be presided over by a representative of the Junior Committee of the Los Angeles Bar Association. The speakers will be representatives of the Junior lawyers organizations of San Francisco, Oakland and Los Angeles. They will discuss topics from the standpoint of the Junior members of the Bar.

At 8:30 p.m. on Thursday, September 18, we will have a real treat. Roscoe Pound, Dean of Harvard Law School, will speak under the auspices of the Alexander F. Morrison Lecture Fund. Dean Pound will be the first speaker under this fund. He is known to lawyers everywhere as one of the great law instructors, and has been nominated by several of the participating nations as the successor to Hon. Charles Evans Hughes on the "Permanent Court of Arbitration." That his lecture will be interesting and instructive goes without saying. It will be given in the auditorium of the Hotel Huntington.

FRIDAY'S PROGRAM COMMITTEE REPORTS

On Friday, September 19, all three sessions will be given over to the reports of the various committees who have been working on problems connected with the unlawful practice of the law. There will be reports from the Committee on Ambulance Chasing, Adjusters Committee, Trust and Title Committee, and Unlawful Practice Committee. These are matters which vitally concern every lawyer as they affect his livelihood and the standards of his profession. Opportunity for full discussion will be accorded. It is proposed to limit speeches to fifteen minutes, but if after everyone has been given an opportunity to speak that length of time and there is still time left, those who may not have been able to say all they wanted to in the first period may talk some more.

ANNUAL BANQUET SATURDAY EVENING

On Saturday morning there will be a report of the Committee on Amendments to Section 24 of the State Bar Act and the disposition of unfinished business and such new business as may come before the Convention. The newly elected members of the Board of Governors will be presented to the Convention.

Saturday afternoon will be given over to entertainment, under the supervision of the Pasadena Bar Association. There will be golf for those who want to indulge in that; automobile rides to points of interest, and other entertainment. During the entire period of the Convention entertainment will be provided for the ladies who are in attendance.

The annual banquet will occur at the Hotel Huntington at 7:00 o'clock on the evening of Saturday, September 20. Dr. William B. Munro, Professor of American History and Government at Harvard University, will speak. Dr. Munro is an outstanding man and anything coming from him will be well worth the time of those who attend.

The Convention will be held within easy reach of every lawyer in this county. Every one ought to attend some of the sessions and take a real hand in the affairs of the State Bar.

OFFICIAL FIGURES, PLEBISCITE ON JUDICIAL CANDIDATES

The result of the Los Angeles Bar Association Plebiscite is announced here for the information of the members, and others.

Ballots sent out	2675
Ballots rec'd by the Secretary	2074
Ballots disqualified	51

Ballots counted 2023

THE VOTE:

CANDIDATES GROUPED BY OFFICES

Office 1.	Ida May Adams	37
	Thomas L. Ambrose	333
	John L. Bisher, Jr.	43
	Hugh L. Dickson	140
	Arthur Keetch	1,446
Office 2.	Carlos S. Hardy	603
	Thomas R. Mould	45
	Raymond I. Turney	306
	Henry M. Willis	1,023
Office 3.	John L. Fleming	1,746
	Charles A. Sunderlin	186
Office 4.	Harry R. Archbald	1,851
	Eugene C. Jennings	14
	L. H. Phillips	50
	Henry W. Shaw	53
Office 5.	Guy F. Bush	274
	Edward B. Evans	32
	Charles F. Reiche	21
	Hartley Shaw	1,631
	Stanley Visel	37
Office 6.	Edward T. Bishop	1,837
	Roy H. Smith	26
	Walter B. Thompson	89
Office 7.	Frank C. Collier	1,865
	R. C. W. Friday	84
Office 8.	Hugh J. Crawford	410
	Charles E. Haas	928
	Dudley S. Valentine	626
Office 9.	Marion P. Betty	187
	J. Walter Hanby	1,016
	Robert A. Morton	76
	Marion C. Spicer	48
	Dailey S. Stafford	625
Office 10.	T. Frank Courtney	43
	William Hazlett	1,764
	Caryl M. Sheldon	184
Office 11.	Oda Faulconer	135
	Walter Guerin	1,713
	L. R. Wharton	126

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BOOK REVIEWS

MARRIAGE LAWS AND DECISIONS IN THE UNITED STATES: A MANUAL, by Geoffrey May; 477 pages; 1929; Russell Sage Foundation, New York; \$3.50.

This Manual consists of a compilation of the statute law, and also decisions interpreting the statutes, relating to marriage in the various jurisdictions in the United States.

In order to assist those readers who are not trained in the law, the author has briefly and lucidly summarized the common law relating to marriage, as a preface to his analysis of the statute law.

Most of the factors which determine the validity of a marriage are grouped under the heading "The Marriage License," because the State relies largely upon this method of administrative control to protect its interest in marriage as a social institution. Among other principal headings are "Solemnization," "The Marriage Record," "State Supervision," "Interstate Relations," and "Sex Offenses and Marriage."

ALBERT E. MARKS.

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